

FILED
BOARD OF PHYSICAL THERAPY

APR 05 2011

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ANDREW CHILLARI, P.T.A.
License No. 40QB00138100

TO PRACTICE PHYSICAL THERAPY IN
THE STATE OF NEW JERSEY

Administrative Action

MODIFIED
CONSENT ORDER

This matter was opened to the New Jersey State Board of Physical Therapy Examiners (hereinafter "the Board") upon receipt of information alleging that physical therapist assistant, Andrew Chillari ("the Respondent") had repeated sexual contact with a patient, G.A. over a four month period during which he provided physical therapy treatment to her at the outpatient service of Kennedy Memorial Hospital. It is also alleged that the patient performed oral sex on the respondent six times during her physical therapy treatments. Finally it is alleged that after a May 22, 2009 physical

therapy treatment the respondent asked the patient to meet him at his car and that he requested, and she performed, oral sex on him.

Respondent, represented by Justine P. Brake, Esquire appeared at an investigative inquiry before the Board on November 23, 2010. The Respondent acknowledged that he provided physical therapy services at Kennedy Memorial Hospital to patient G.A. for cervical spine pain. Her treatments included moist heat, ultrasound, massage and exercises. He acknowledged he performed physical therapy treatments to G.A. on eleven visits between March 13, 2009 and May 22, 2009, denies any sexual contact with G.A. during actual physical therapy treatments, but admitted that he had oral sex in his car with the patient after her physical therapy treatment on May 22, 2009. Respondent also testified that G.A. terminated her physical therapy treatments after her visit on May 22, 2009. He further acknowledged that the patient was not discharged from the physical therapy program at that time.

Having reviewed the entire record, including the testimony and written response of the respondent and the patient records of G.A. it appears to the Board that respondent has violated the sexual misconduct regulation of the Board as he engaged in sexual contact with a patient with whom he had a patient-therapist relationship pursuant to N.J.A.C. 13:39A-3.10(c), (d), (g) and (h). This conduct is deemed to constitute professional misconduct pursuant to N.J.A.C. 13:39A-3.10 and N.J.S.A. 45:1-21(e). These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e) and (h).

The respondent being desirous of resolving this matter without resort to formal proceedings, and the Board having determined that the following provisions are sufficiently protective of the public interest and welfare, and for good cause shown,

IT IS ON THIS 5th DAY OF April 2011

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice as a physical therapist assistant shall be suspended for three years, the first three months to be served as an active suspension effective ten days following the filing date of this order. The remainder of the suspension shall be stayed and served as a period of probation.

2. Respondent shall cease and desist from engaging in any violations of the sexual misconduct rule, N.J.A.C. 13:39A-3.10 or any sexual contact with a patient during the course of physical therapy treatment and agrees to comply with all of the provisions of this regulation.

3. Respondent shall engage in psychotherapy with a pre-approved therapist for a minimum of two years commencing during the period of active suspension. After completion of the one year of therapy he may apply to the Board to have this condition reduced or removed. The psychotherapist must submit a recommendation supporting the reduction or removal of this condition.

4. The psychotherapist shall be pre-approved by the Board and shall submit written reports on a quarterly basis to the Board regarding the status of the therapy.

The therapist shall be provided with a copy of this order, the sexual misconduct rule and background materials. The therapy shall include discussion regarding sexual boundaries with patients and any other topics that the therapist may deem necessary for treatment. The therapist shall report to the Board on a quarterly basis concerning the progress and status of the therapy, and shall immediately (within 48 hours of awareness) report in writing to the Board any incident of a boundary violation or violations of this order.

5. Respondent shall attend and successfully complete the Probe ethics course within one year of the entry of this Order.

6. Prior to reinstatement of his license and the commencement of his practice on probation, respondent shall appear before the Board or a committee of the Board to demonstrate he has fully attended and successfully completed the Probe course, that he has submitted and obtained the name of an approved chaperone for his practice, a recommendation from his therapist regarding his fitness to return to practice, and that he is fit and competent to resume the practice of physical therapy. Practice on probation shall not begin until respondent receives approval of the Board which shall not be unreasonably withheld.

7. Respondent shall have a chaperone in place for all treatment afforded to his female patients during the entire period of practice on probation, and until further order of the Board. The chaperone may be an employee of the physical therapy practice who has been previously identified to the Board and has signed a copy of this order indicating that he or she has read the order. A family member of the patient who is 18 years of age or older may also serve as a chaperone. All chaperones must be in the

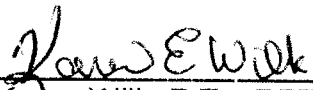
treatment room from the beginning to the end of all patient contact with Respondent.

The Respondent shall indicate in the patient record the name of the chaperone. If an employee of the practice serves as chaperone, the chaperone shall initial each patient progress note to indicate his or her presence for the patient interaction.

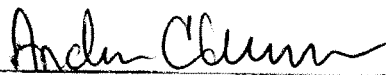
8. At the end of the period of probation, the Respondent shall appear before the Board or a committee of the Board to assess whether any of the conditions imposed by this order should be continued in whole or in part.

9. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating Mr. Chillari has violated any term of this Order or engaged in any boundary violations, the period of stayed suspension may be automatically activated by the Board. Mr. Chillari, upon five days notice, may request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding Mr. Chillari was materially false. In addition, the Board reserves the right to bring further disciplinary action based upon the facts underlying allegations of failure to comply with this order or any boundary violations.

STATE BOARD OF PHYSICAL THERAPY
EXAMINERS


Karen Wilk, P.T., DPT 40QA00560100
Chair

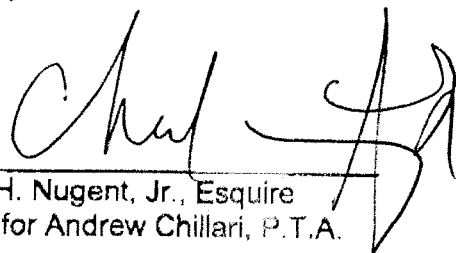
I have read and understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.



Andrew Chillari, P. T. A.

3/24/11
DATED:

This Order is agreed to as to form
and entry.



Charles H. Nugent, Jr., Esquire
Attorney for Andrew Chillari, P.T.A.

3/24/11
DATED: